

REMARKS

I. Status of the Application

Claims 1-11 and 21-28 were pending in this application as of the May 17, 2007 Office action. In the May 17, 2007 Office action, the Examiner (i) noted that the specification contains errors; (ii) rejected claims 22-24 and 26-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention; (iii) rejected claims 1-11 and 21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,966,010 to Loy et al. (hereinafter, "Loy '010") in view of U.S. Patent No. 5,933,004 to Jackson et al. (hereinafter "Jackson"); and (iv) rejected claims 22-28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Loy '010 in view of Jackson and U.S. Patent No. 6,838,867 to Loy (hereinafter, "Loy '867").

In this response, Applicant has cancelled claims 1 and 25; has traversed the examiner's rejection of claims 1-11 and 21-28 and has added new claims 29-31. Applicant respectfully requests reconsideration of pending claims 1-11 and 21-24, and 25-28, as well as new claims 22-28, in view of the foregoing amendments and the following remarks.

II. The Examiner's 35 U.S.C. § 112, Second Paragraph, Rejection of Claims 22-24 and 26-28 Should be Withdrawn

In the May 17, 2007 Office action, the examiner rejected claims 22-24 and 26-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. In particular, the examiner argued that the meaning of the “flexible member biased toward” in each of claims 22-24 and 26-28 was unclear.

Definiteness in claim language should be analyzed, not in a vacuum, but in light of, inter alia, the content of the particular application disclosure. See MPEP § 2173.02. Furthermore, breadth of a claim is not to be equated with indefiniteness. In re Miller, 169 USPQ 597 (CCPA 1971).

In the present case, Applicant respectfully submits that the meaning of the “flexible member biased toward” is clear in the claims. Applicant’s specification shows and describes an exemplary flexible member 70 provided in the opening 126 of blade contact portion 66 (see, e.g., p. 15, lines 3-8; p. 16, lines 4-14; and FIG. 5). It is respectfully submitted that in view of the specification, the meaning of the claim term is apparent. Accordingly, the examiner’s rejection of claims 22-24 and 26-28 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

III. The Rejection of Claims 1-11 and 21 Under 35 U.S.C. § 103(a) Should be Withdrawn

In the May 17, 2007 Office action, the examiner rejected claims 1-11 and 21 as allegedly being unpatentable over Loy ‘010 in view of Jackson. Claims 1 and 21 have been cancelled in this response. Accordingly, the examiner’s rejection of claims 1 and 21 should be withdrawn. In addition, claims 2-11 now depend from claim 26, which has been written in independent form. As discussed in further detail below, it is respectfully submitted that claims 2-11 are allowable, and the examiner’s rejection of these claims should also be withdrawn.

IV. Amended Claims 22 and 26

In the May 17, 2007 Office action, the examiner rejected claims 22 and 26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Loy '010 in view of Jackson and Loy '867.

A. Loy '867 Is Not Prior Art Under 35 U.S.C. § 102(a/e)

Applicant respectfully traverses the Examiner's rejection of claims 22 and 26 under 35 U.S.C. § 103(a) as Loy '867 is not prior art under 35 U.S.C. § 102(a/e). Applicant has submitted a declaration under 37 CFR § 1.131 to "swear behind" the Kanazawa reference.

Under 37 CFR § 1.131(b), prior invention of claimed subject matter can be established by conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice). MPEP § 715.07.

As set forth in the attached declaration of Ronald Tate under 37 CFR § 1.131, the invention claimed in the present application was conceived prior to June 27, 2002, the filing date of the Loy '867 reference. Furthermore, as also set forth in the attached declaration, the inventor practiced due diligence from at least as early as May 2002, until reducing the invention to practice by at least as early as February 3, 2003, when the provisional application from which the present application claims priority was filed. The conception date of at least as early as May 2002 pre-dates the effective date of the Loy '867 reference. Accordingly, the Loy '867 reference should not be cited against the claims of the present application, and the examiner's rejection of claims 22 and 26 under

35 U.S.C. § 103(a) as allegedly being unpatentable over various references including Loy '867 should be withdrawn.

B. The Cited References Do Not Disclose All the Limitations of Claims 22 and 26

Applicant respectfully traverses the examiner's rejection of claims 22 and 26 under 35 U.S.C. § 103(a), as a *prima facie* case of obviousness under MPEP § 2142 has not been made. In order to make a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art.

In this case, applicant submits that all claim limitations of claims 22 and 26 are not taught by the cited references. For example, with respect to claim 22, at least the limitation of a "blade contact portion including a flexible member biased toward and disposed against the middle portion of the first current coil" is not disclosed in the cited references. In the May 17, 2007 Office action, the examiner cited the Loy '867 reference as disclosing "voltage sensing springs 42 and 43 ... coupling a voltage signal between the current coils and a pad on a circuit board 38." The examiner further stated that "elements 42a and 43a of Loy '867 are considered flexible plate members biased toward the current coil." However, applicant respectfully submits that elements 42a and 43a of Loy are not "biased toward and disposed against the middle portion of the first current coil" as set forth in claim 22.

In view of the foregoing, it is respectfully submitted that all limitations of claim 22 are not found in the examiner's cited references, and a *prima facie* case of obviousness does not exist for claim 22. It is also respectfully submitted that a *prima facie* case of

obviousness does not exist for claim 26. Accordingly, it is respectfully submitted that the examiner's rejection of claims 22 and 26 under 35 U.S.C. § 103(a) should be withdrawn.

V. Dependent Claims 2-11, 23, 24, 27 and 28

In the May 17, 2007 Office action, the examiner rejected claims 2-11, 23, 24, 27 and 28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Loy '010 in view of Jackson or in view of Jackson and Loy '867. Dependent claims 2-11, 23, 24, 27 and 28 depend from and incorporate all the limitations of one of claims 22 or 26. As set forth above, it is respectfully submitted that claims 22 and 26 are allowable. Accordingly, it is respectfully submitted that dependent claims 2-11, 23, 24, 27 and 28 are also allowable for at least the same reasons that independent claims 22 and 26 are allowable, and the examiner's rejection of dependent claims 2-11, 23, 24, 27 and 28 under 35 U.S.C. § 103(a) should be withdrawn.

In addition to the foregoing, applicant submits that claims 2-11, 23, 24, 27 and 28 are also allowable for other reasons. For example, claim 23 includes the limitation that "the blade contact portion includes a plate member having an opening ... wherein the flexible member extends from the plate member into the opening". Such a blade contact portion with an opening and a flexible member extending into the opening is not found in any of the cited references. Accordingly, for these and other reasons, it is respectfully submitted that dependent claims 2-11, 23, 24, 27 and 28 are allowable, and the examiner's rejection of dependent claims 2-11, 23, 24, 27 and 28 under 35 U.S.C. § 103(a) should be withdrawn.

VI. Petition for Extension of Time

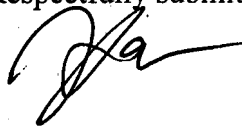
This response to Office action is being filed within two months following the August 17, 2007 shortened statutory period for reply to the Office action of May 17, 2007. Accordingly, applicant hereby petitions for a two month extension of time to file this response. A check in the amount of \$460.00 is enclosed in payment of the two month extension of time.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

VII. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,



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